

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**AFFINITY LABS OF TEXAS, LLC,**  
*Appellant*

**v.**

**APPLE INC., MICHELLE K. LEE, Director, U.S.  
Patent and Trademark Office,**  
*Appellees*

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2016-1092, -1172

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Appeals from the United States Patent and Trade-  
mark Office, Patent Trial and Appeal Board in Nos.  
95/001,223, 95/001,264, and 90/010,333.

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**AFFINITY LABS OF TEXAS, LLC,**  
*Appellant*

**v.**

**APPLE INC.,**  
*Appellee*

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2016-1173

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Appeal from the United States Patent and Trademark Office, Patent Trial and Appeal Board in No. 95/001,266.

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**ON MOTION**

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**O R D E R**

Affinity Labs of Texas, LLC moves to consolidate Appeals 2016-1092 and 2016-1172 and to extend the time to file its opening brief to 60 days from the date of filing of the order consolidating the appeals. Appeal 2016-1173 also appears related.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) Affinity Labs' motion is granted. Appeals 2016-1092 and 2016-1172 will be consolidated, and thus one set of briefs should be filed for the two appeals. The revised official caption is reflected above.

(2) Appeal 2016-1173 shall be considered a companion case to 2016-1092, -1172. The appeals will be assigned to the same merits panel.

(3) Affinity Labs' opening brief in 2016-1092, -1172 is due 60 days from the date of filing of this order.

FOR THE COURT

/s/ Daniel E. O'Toole  
Daniel E. O'Toole  
Clerk of Court